

62<sup>ND</sup> CONGRESS, }  
1<sup>ST</sup> SESSION. } **H. J. RES. 14.**

[Report No. 33.]

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## JOINT RESOLUTION

Approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona.

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By Mr. FLOOD of Virginia.

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APRIL 4, 1911.—Referred to the Committee on the Territories and ordered to be printed.

MAY 12, 1911.—Reported with an amendment, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

52D CONGRESS,  
1ST SESSION.

## H. J. RES. 14.

IN THE SENATE OF THE UNITED STATES

MAY 25, 1911.

Read twice and referred to the Committee on Territories.

### JOINT RESOLUTION

To admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*  
3       That the Territories of New Mexico and Arizona are hereby  
4       admitted into the Union upon an equal footing with the  
5       original States, in accordance with the terms of the enabling  
6       Act approved June twentieth, nineteen hundred and ten,  
7       upon the terms and conditions hereinafter set forth. The ad-  
8       mission herein provided for shall take effect upon the procla-  
9       mation of the President of the United States, when the condi-  
10      tions explicitly set forth in this joint resolution shall have  
11      been complied with, which proclamation shall issue at the  
12      earliest practicable time after the results of the election herein  
13      provided for shall have been certified to the President, and

52D CONGRESS,  
1ST SESSION.  
H. J. RES. 14.

UNION CALENDAR NO. 10.

1 also after evidence shall have been submitted to him of the  
2 compliance with the terms and conditions of this resolution.

3 The President is authorized and directed to certify the  
4 adoption of this resolution to the governor of each Territory  
5 as soon as practicable after the adoption hereof, and each of  
6 said governors shall issue his proclamation for the holding of  
7 the first general election as provided for in the constitution  
8 of New Mexico heretofore adopted and the election ordinance  
9 numbered two adopted by the constitutional convention of  
10 Arizona, respectively, and for the submission to a vote of the  
11 electors of said Territories of the amendments of the constitu-  
12 tions of said proposed States, respectively, herein set forth in  
13 accordance with the terms and conditions of this joint resolu-  
14 tion. The results of said elections shall be certified to the  
15 President by the governor of each of said Territories; and if  
16 the terms and conditions of this joint resolution shall have been  
17 complied with, the proclamation shall immediately issue by the  
18 President announcing the result of said elections so ascer-  
19 tained, and upon the issuance of said proclamation the pro-  
20 posed State or States so complying shall be deemed admitted  
21 by Congress into the Union upon an equal footing with the  
22 other States.

23 SEC. 2. That the admission of New Mexico shall be  
24 subject to the terms and conditions of a joint resolution  
25 approved February sixteenth, nineteen hundred and eleven,

1 and entitled "Joint resolution reaffirming the boundary line  
2 between Texas and the Territory of New Mexico."

3 SEC. 3. That before the proclamation of the President  
4 shall issue announcing the result of said election in New  
5 Mexico, and at the same time that the State election afore-  
6 said is held, the electors of New Mexico shall vote upon the  
7 following proposed amendment of their State constitution  
8 as a condition precedent to the admission of said State,  
9 to wit:

10 "Article XIX of the constitution, as adopted by the  
11 electors of New Mexico at an election held on the twenty-  
12 first day of January, anno Domini nineteen hundred and  
13 eleven, be, and the same is hereby, amended so as to read  
14 as follows:

15 "ARTICLE XIX.

16 "AMENDMENT.

17 "SECTION 1. Any amendment or amendments to this  
18 constitution may be proposed in either house of the legisla-  
19 ture at any regular session thereof; and if a majority of all  
20 members elected to each of the two houses voting separately  
21 shall vote in favor thereof, such proposed amendment or  
22 amendments shall be entered on their respective journals  
23 with the yeas and nays thereon.

24 "The secretary of state shall cause any such amend-  
25 ment or amendments to be published in at least one news-

1 paper in every county of the State, where a newspaper is  
2 published once each week, for four consecutive weeks, in  
3 English and Spanish when newspapers in both of said  
4 languages are published in such counties, the last publica-  
5 tion to be not more than two weeks prior to the elec-  
6 tion at which time said amendment or amendments shall  
7 be submitted to the electors of the State for their ap-  
8 proval or rejection; and the said amendment or amend-  
9 ments shall be voted upon at the next regular election  
10 held in said State after the adjournment of the legislature  
11 proposing such amendment or amendments, or at such  
12 special election to be held not less than six months after the  
13 adjournment of said legislature, at such time as said legisla-  
14 ture may by law provide. If the same be ratified by a  
15 majority of the electors voting thereon, such amendment or  
16 amendments shall become part of this constitution. If two  
17 or more amendments are proposed, they shall be so submitted  
18 as to enable the electors to vote on each of them separately:  
19 *Provided*, That no amendment shall apply to or affect the  
20 provisions of sections one and three of Article VII hereof,  
21 on elective franchise, and sections eight and ten of Article  
22 XII hereof, on education, unless it be proposed by vote of  
23 three-fourths of the members elected to each house and be  
24 ratified by a vote of the people of this State in an election at  
25 which at least three-fourths of the electors voting in the

1 whole State and at least two-thirds of those voting in each  
2 county in the State shall vote for such amendment.

3       “SEC. 2. Whenever, during the first twenty-five years  
4 after the adoption of this constitution, the legislature, by a  
5 three-fourths vote of the members elected to each house,  
6 or, after the expiration of said period of twenty-five years,  
7 by a two-thirds vote of the members elected to each house,  
8 shall deem it necessary to call a convention to revise or  
9 amend this constitution, they shall submit the question of  
10 calling such convention to the electors at the next general  
11 election, and if a majority of all the electors voting on such  
12 question at said election in the State shall vote in favor of  
13 calling a convention the legislature shall, at the next session,  
14 provide by law for calling the same. Such convention shall  
15 consist of at least as many delegates as there are members  
16 of the House of Representatives. The constitution adopted  
17 by such convention shall have no validity until it has been  
18 submitted to and ratified by the people.

19       “SEC. 3. If this constitution be in any way so amended  
20 as to allow laws to be enacted by direct vote of the electors  
21 the laws which may be so enacted shall be only such as might  
22 be enacted by the legislature under the provisions of this  
23 constitution.

24       “SEC. 4. When the United States shall consent thereto,  
25 the legislature, by a majority vote of the members in each

1 house, may submit to the people the question of amending  
2 any provision of Article XXI of this constitution on compact  
3 with the United States to the extent allowed by the Act of  
4 Congress permitting the same, and if a majority of the  
5 qualified electors who vote upon any such amendment shall  
6 vote in favor thereof the said article shall be thereby  
7 amended accordingly.

8       “SEC. 5. The provisions of section one of this article  
9 shall not be changed, altered, or abrogated in any manner  
10 except through a general convention called to revise this  
11 constitution as herein provided.’ ”

12       SEC. 4. That the probate clerks of the several counties  
13 of New Mexico shall provide separate ballots for the use of  
14 the electors at said first State election for the purpose of vot-  
15 ing upon said amendment. Said separate ballots shall be  
16 printed on paper of a blue tint, so that they may be readily  
17 distinguished from the white ballots provided for the elec-  
18 tion of county and State officers. Said separate ballots shall  
19 be delivered only to the election officers authorized by law  
20 to receive and have the custody of the ballot boxes for use at  
21 said election and shall be delivered by them only to the  
22 individual voter at his request at the time he offers to vote at  
23 the said general election, and shall have the initials of two  
24 elections officers of opposite political parties written by them  
25 upon the back thereof. Said separate ballots shall not be

1 marked either for or against the said amendment at the time  
2 it is handed to the elector by the election officer, and must be  
3 marked by the voter, unless he shall request one of the elec-  
4 tion officers to mark the same for him, in which case such  
5 election officer so called upon shall mark said ballot as such  
6 voter shall request. No ballots on said amendment except  
7 those so handed to said electors and so initialed shall be de-  
8 posited in the ballot box or counted or canvassed. Said sepa-  
9 rate ballots shall have printed thereon the proposed amend-  
10 ment in both the English and the Spanish language. There shall  
11 be placed on said ballots two blank squares with dimensions  
12 of one-half an inch and opposite one of said squares shall be  
13 printed in both the English and the Spanish language the  
14 words "For constitutional amendment," and opposite the  
15 other blank square shall be printed in both the English and  
16 Spanish language the words "Against constitutional amend-  
17 ment."

18 Any elector desiring to vote for said amendment shall  
19 mark his ballot with a cross in the blank square opposite the  
20 words "For constitutional amendment," or cause the same  
21 to be so marked by an election officer as aforesaid, and any  
22 elector desiring to vote against said amendment shall mark  
23 his ballot with a cross in the blank square opposite the words  
24 "Against constitutional amendment," or cause the same to  
25 be so marked by an election officer as aforesaid.



1        SEC. 5. That said ballots shall be counted and can-  
2        vassed by said election officers, and the returns of said elec-  
3        tion upon said amendment shall be made by said election  
4        officers direct to the secretary of the Territory of New Mex-  
5        ico at Santa Fe, who, with the governor and chief justice of  
6        said Territory, shall constitute a canvassing board; and they,  
7        or any two of them, shall meet at said city of Santa Fe on  
8        the third Monday after said election and shall canvass the  
9        same. If a majority of the legal votes cast at said election  
10       upon said amendment shall be in favor thereof, the said can-  
11       vassing board shall forthwith certify said result to the gov-  
12       ernor of the Territory, together with the statement of votes  
13       cast upon the question of the ratification or rejection of said  
14       amendment; whereupon the governor of said Territory shall  
15       by proclamation declare the said amendment a part of the  
16       constitution of the proposed State of New Mexico, and there-  
17       upon the same shall become and be a part of said constitu-  
18       tion; but if the same shall fail of such majority, then Article  
19       XIX of the constitution of New Mexico as adopted on  
20       January twenty-first, nineteen hundred and eleven, shall  
21       remain a part of said constitution.

22       Except as herein otherwise provided, said election upon  
23       this amendment shall be in all respects subject to the election  
24       laws of New Mexico now in force.

25       SEC. 6. That the fifth clause of section two of "An  
26       Act to enable the people of New Mexico to form a constitu-

1 tion and State government and be admitted into the Union  
 2 on an equal footing with the original States; and to enable  
 3 the people of Arizona to form a constitution and be ad-  
 4 mitted into the Union on an equal footing with the original  
 5 States," approved June twentieth, anno Domini nineteen  
 6 hundred and ten, be, and the same is hereby, amended so as  
 7 to read as follows:

8 "Fifth. That said State shall never enact any law re-  
 9 stricting or abridging the right of suffrage on account of race,  
 10 color or previous condition of servitude."

11 SEC. 7. That before the proclamation of the President  
 12 shall issue, announcing the result of said election in Arizona,  
 13 and at the same time that the State election is held, as afore-  
 14 said, the electors of Arizona shall vote upon the following  
 15 proposed amendment to their State constitution as a condition  
 16 precedent to the admission of said State, to wit:

17 "Section one of Article VIII of the constitution of the  
 18 State of Arizona, adopted by the electors of said State at an  
 19 election held on the ninth day of February, anno Domini  
 20 nineteen hundred and eleven be, and the same is hereby,  
 21 amended, so as to read as follows:

22 "ARTICLE VIII.—REMOVAL FROM OFFICE.

23 "1. RECALL OF PUBLIC OFFICERS.

24 "SECTION 1. Every public officer in the State of  
 25 Arizona, except members of the judiciary, holding an elective

1 office, either by election or appointment, is subject to recall  
2 from such office by the qualified electors of the electoral  
3 district from which candidates are elected to such office.  
4 ~~Such electoral district may include the whole State. Such~~  
5 ~~number of said electors as shall equal twenty-five per centum~~  
6 ~~of the number of votes cast at the last preceding general~~  
7 election for all of the candidates for the office held by such  
8 officer may by petition, which shall be known as a recall  
9 petition, demand his recall.' "

10 The ballots to be provided for said first State election  
11 shall have printed thereon this proposed amendment and  
12 ~~there shall be placed on said ballots two blank squares with~~  
13 ~~dimensions of one-half an inch and opposite one of said~~  
14 ~~squares shall be printed the words "For constitutional~~  
15 amendment" and opposite the other blank square shall be  
16 printed the words "Against constitutional amendment."

17 Any elector desiring to vote for said amendment shall  
18 place a cross in the blank square opposite the words "For  
19 constitutional amendment," and those desiring to vote  
20 against such amendment shall place a cross in the blank  
21 square opposite the words "Against constitutional amend-  
22 ment," and said ballots shall be counted and canvassed by  
23 the election officers of said State authorized by law to count  
24 and canvass the ballots cast at the election for State officers;  
25 and the returns of said election upon said amendment shall  
26 be made by said election officers direct to the secretary of the

1 Territory of Arizona at Phoenix, who, with the governor and  
2 chief justice of said Territory, shall constitute a canvassing  
3 board, and they, or any two of them, shall meet at said city  
4 of Phoenix on the third Monday after said election and shall  
5 canvass the same. If a majority of the legal votes cast at  
6 said election upon said amendment shall be in favor thereof,  
7 the said canvassing board shall forthwith certify said result  
8 to the governor of the Territory, together with the state-  
9 ment of votes cast upon the question of the ratification or  
10 rejection of said amendment; whereupon the governor of said  
11 Territory shall, by proclamation, declare the said amendment  
12 a part of the constitution of the proposed State of Arizona  
13 and thereupon the same shall become and be a part of said  
14 constitution; but if the same shall fail of such majority, then  
15 section one of Article VIII of the constitution of Arizona,  
16 as adopted on February ninth, nineteen hundred and eleven,  
17 shall remain a part of said constitution.

18 Except as herein otherwise provided said election upon  
19 this amendment shall be in all respects except as to the edu-  
20 cational qualification of electors subject to the election laws  
21 of Arizona now in force.

Passed the House of Representatives May 23, 1911.

Attest:

SOUTH TRIMBLE,

Clerk.